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Courthouse, Seattle, Washington.  The undersigned complainant being duly sworn states:  COUNT 1			
(Unlawful Possession of a Firearm)  On or about May 28, 2023, in King County, and elsewhere, within the Western  District of Washington, MARQUISE TOLBERT, knowing he had been convicted of the following crime punishable by a term of imprisonment exceeding one year:			

Unlawful Possession of a Firearm in the First Degree, in King County 1 Superior Court, under cause number 20-1-00422-3SEA, on or about 2 September 16, 2022; did knowingly possess, in and affecting interstate and foreign commerce, a firearm, that 3 is: a XD-M Elite pistol, that had been shipped and transported in interstate and foreign 4 commerce. 5 All in violation of Title 18, United States Code, Section 922(g)(1). 6 **COUNT 2** 7 (Unlawful Possession of Firearms) 8 On or about May 30, 2023, in King County, within the Western District of 9 Washington, PARCHEY KELLY, knowing he had been convicted of the following 10 misdemeanor crime of domestic violence: 11 Assault in the Fourth Degree (Domestic Violence – Intimate 12 Partner), in Renton Municipal Court, Washington, under cause 13 number 8Z0196592, on or about July 18, 2019; did knowingly possess, in and affecting interstate and foreign commerce, firearms, that 14 is: a Glock 29 10mm pistol, a Canik pistol, a 5.7 Rock pistol, and a Glock 29 10mm 15 pistol, that had been shipped and transported in interstate and foreign commerce. 16 17 All in violation of Title 18, United States Code, Section 922(g)(9). 18 COUNT 3 19 (Unlawful Possession of a Firearm) On or about June 1, 2023, in Pierce County, within the Western District of 20 21 Washington, MARQUISE TOLBERT, knowing he had been convicted of the following 22 crime punishable by a term of imprisonment exceeding one year: 23 24 25 26 27

i. Unlawful Possession of a Firearm in the First Degree, in King County Superior Court, under cause number 20-1-00422-3SEA, on or about September 16, 2022;

did knowingly possess, in and affecting interstate and foreign commerce, a firearm, that is: a Ruger 5.7 pistol, that had been shipped and transported in interstate and foreign commerce.

All in violation of Title 18, United States Code, Section 922(g)(1).

#### **COUNT 4**

#### (Unlawful Possession of a Firearm)

On or about June 1, 2023, in King County, and elsewhere, within the Western District of Washington, KISEAN COLEMAN, knowing he had been convicted of the following crimes punishable by a term of imprisonment exceeding one year:

i. Theft in the First Degree, Robbery in the Second Degree, and Theft in the First Degree, in King County Superior Court, under cause number 18-C-04830-0KNT, on or about May 3, 2019;

did knowingly possess, in and affecting interstate and foreign commerce, a firearm, that is: a Ruger 5.7 pistol, that had been shipped and transported in interstate and foreign commerce.

All in violation of Title 18, United States Code, Section 922(g)(1).

And the complainant states that this Complaint is based on the following information:

#### INTRODUCTION AND AGENT BACKGROUND

1. I, Mathew Blackburn, am an "investigative or law enforcement officer of the United States" within the meaning of Title 18, United States Code, Section 2510(7) and a "general authority Washington peace officer" within the definition of RCW 10.93.020. As such, I am empowered to conduct investigations of, and to make arrests for, violations of the Controlled Substance Act, Title 21, United States Code, Section 801 et seq., and related offenses, and Title 18, United States Code, Section 922, and related offenses.

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- 2. Specifically, I am a duly sworn member of the Seattle Police Department (SPD) and have been employed as a police officer since December of 2007. I am currently assigned to the SPD Gun Violence Reduction Unit (GVRU). In May of 2022, I was assigned as a Task Force Officer (TFO) with the FBI. I am currently assigned to the violent crime, gang, and transnational organized crime squad in the Seattle, Washington Division of the FBI. I have approximately fourteen years of state law enforcement experience. I completed the Washington State Criminal Justice Commissions Basic Law Enforcement academy as well as the SPD Anti-Crime Team School and Undercover School. I have also been trained and have experience in the handling and use of confidential informants. As an SPD officer, I have actively participated in investigations of criminal activity, including but not limited to: crimes against persons, crimes against property, fire and explosives-related crimes, and crimes involving the possession, use, and theft of firearms. I have also been a part of hundreds of narcotic investigations ranging from the street-level sale and consumption of drugs to international drug trafficking organizations. I have been trained in the identification of illegal narcotics, their use, and how they are consumed and distributed. As part of some of these investigations, I have developed and utilized confidential informants. During these investigations, I have also participated in the execution of search warrants and the seizure of evidence indicating the presence of criminal violations. As a law enforcement officer, I have testified under oath, affirmed to applications of search and arrest warrants, and obtained electronic monitoring orders.
- 3. In my role as a police officer and a member of the FBI Safe Streets Task Force, I have participated in gang investigations that have resulted in the arrest of individuals and the seizure of illicit narcotics and/or narcotics-related evidence, firearms, and the forfeiture of narcotics-related assets. I have been involved in the service of federal and state search warrants as part of these investigations. I am also familiar with the manner in which criminals, including gang members/associates, use telephones, often cellular telephones, to conduct their unlawful operations, and how they code their conversations to disguise their unlawful activities.

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- 4. Based on my training and experience, I have become familiar with the techniques and methods used by drug and firearms traffickers to distribute controlled substances, their use of vehicles, their use of cellular phones and other electronic communication devices to facilitate their trafficking activity, and the methods used to conceal and launder the proceeds of drug trafficking. I have participated in hundreds of hours of surveillance on narcotics and firearms traffickers. I have examined narcotics related pay/owe ledgers, supplier lists, and cell phone content, and understand how they are used in relation to drug sales and trafficking. During the course of my employment, I have served search warrants and conducted narcotics-related interviews in Washington and other states, and have discussed drug trafficking and money laundering trends with members of federal and state law enforcement from across the United States, as well as those working in other countries.
- 5. I have participated in the investigation described in this affidavit since September of 2022. I obtained the facts set forth in this affidavit through personal participation in the investigation described below, from oral and written reports of other law enforcement officers, from records, documents and other evidence obtained during this investigation, and from confidential sources and sources of information who are associated with, and knowledgeable about, the subjects of this investigation and their confederates. I have obtained and read official reports prepared by various law enforcement officers participating in this investigation and in the other related investigations by agencies referenced in this affidavit.
- 6. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. My specialized training and experience in drug and firearm investigations form a basis for my opinions and conclusions, which I drew from the facts set forth. It also does not purport to state every fact known to law enforcement, but rather only to establish probable cause to conclude that Marquise Tolbert, Parchey Kelly, and Kisean Coleman, committed the charges set forth above.

7. In the following paragraphs, I describe communications between various individuals. Except where specifically indicated with quotation marks, the descriptions are summaries of the conversations and are not meant to reflect the specific words or language used. I have used brackets to describe – based on my training and experience of the facts of his investigation – my interpretation of certain words and phrases. In the following paragraphs, all times are approximate. In the following paragraphs, each phone is identified with the Target Telephone number ("TT" number) assigned to it during the course of this investigation.

### SUMMARY OF PROBABLE CAUSE

Identification of Marquise Tolbert as the user of TT13 and wiretap order for TT13.

- 8. The United States, including the FBI and the DEA, is conducting a criminal investigation of a regional drug trafficking organization (DTO), which is believed to be supplied by out of state sources. Investigators believe this DTO is trafficking narcotics, supplied from out of state, to the Seattle area for redistribution. Investigators also believe that some of members of this DTO are affiliated with Seattle area gangs and are involved in unlawful firearms possession and trafficking. Based upon confidential source information, investigators identified a source of narcotic pill supply in the Seattle area. Initially, the DTO was believed to be trafficking counterfeit pills containing fentanyl.
- 9. On March 27, 2023, the Hon. John H. Chun in the Western District of Washington authorized the interception of wire and electronic communications over two cell phones TT1 and TT2. Interception of TT1 and TT2 began on or about March 27, 2023, and ended per the terms of the Court's order, on or about April 25, 2023. Based on communications obtained pursuant to this wiretap order, investigators now believe the DTO is primarily trafficking prescription pills, including Xanax, Oxycontin, and cocaine.
- 10. During this interception period, investigators intercepted communications between DTO members using TT2 and Marquise Tolbert using TT8. These intercepted

<sup>&</sup>lt;sup>1</sup> Because this investigation is ongoing, in this affidavit I do not discuss all information known to me about the DTO its members, or its criminal activity.

communications between Tolbert and the DTO member led investigators to believe that Tolbert was likely engaged in narcotics trafficking in this District and was supplying narcotic pills to the DTO.

- 11. On April 18, 2023, the Hon. Brian A. Tsuchida signed a search warrant authorizing investigators to use an electronic investigative technique to identify additional cellular devices used by Tolbert. On April 19, 2023, investigators used the technique to collect information for cellular devices present at locations where Tolbert was known to be. Investigators identified a unique IMSI number present at two separate locations where Tolbert was physically observed. Investigators determined that this IMSI is associated with phone TT13. TT13 is subscribed in the name of an individual known to be associated with Tolbert. TT13 had activation date of April 6, 2023. Subscriber and toll records showed that service to Tolbert's previous phone, TT8, lapsed on or about April 20, 2023. Investigators believe Tolbert was using and continues to use TT13 as a phone to replace TT8.
- 12. On May 4, 2023, investigators obtained a search warrant for GPS location data, with an integrated Pen Register and Trap and Trace order, for TT13. Using that information, investigators conducted physical surveillance in the area of the GPS location data for TT13 and observed Tolbert, who was identified based on a comparison to his driver's license photograph and investigators' familiarity with him from prior investigations, at multiple different locations and times.
- 13. On May 26, 2023, the Hon. John H. Chun entered an order authorizing the interception of wire and electronic communications over TT13. Interception of TT13 began that same day and is ongoing.<sup>2</sup>

May 28, 2023: Tolbert discussed being in a shooting in Des Moines, Washington.

14. On May 28, 2023, at 2:37 p.m., Tolbert (TT13) called an unknown male using phone number ending in 1806 (hereinafter UM1806). (Session 127). During this

<sup>&</sup>lt;sup>2</sup> To protect the integrity of this investigation, this affidavit does not discuss the probable cause for the order authorizing the interception of communications over TT13.

call, Tolbert stated that he was just involved in a shoot-out on 272<sup>nd</sup> and had been shot in the arm. Tolbert stated that his XD [gun] now had three bullets left in the stock [magazine].

- 15. Investigators contacted local law enforcement and confirmed there was a shooting in the area of 1810 S 272<sup>nd</sup> Street, Des Moines, Washington, in the early morning on or about May 28, 2023.
- May 28, 2023: Intercepted Communications Related to a Firearm Transaction Between Tolbert (TT13) and McDaniel (TT27); Tolbert sells an XD-M Elite pistol to another unknown individual.
- 16. On May 28, 2023, at 1:02 p.m., Marquise Tolbert (TT13) called Jhay'linn McDaniel who was using phone TT27. (Session 121). (McDaniel's identification as the user of TT27 is discussed below.) During this call, Tolbert stated that he was trying to sell a gun (an XD-M Elite pistol) for \$800 or \$1,000 (to include the gun and its accessories). Tolbert stated he wanted to sell the gun because he needed another \$1,000 in order to buy a FN-model gun from someone else who was holding it for Tolbert until 6:00 p.m. that day. Tolbert stated he already had \$500 toward the purchase of the FN-model gun. Tolbert asked McDaniel to find Tolbert a buyer for his firearm. Tolbert stated, "the second I get the FN [firearm] I'm gonna go rob this plug [drug supplier] for all his pills...because I can't buy nothing else so I might as well N\*\*, I'm about to go strip this N\*\* and take everything."
- 17. In this call, Tolbert did not identify the individual from whom he planned to purchase the FN-model gun later that day. Investigators intercepted several other of Tolbert's communications over TT13, in which Tolbert was attempting to find a buyer for his firearm, an XD-M Elite pistol (sessions 120, 127, 136-141, 144). These communications including texted photographs of the XD-M Elite Pistol (SID 15), which are included below:





- 18. An ATF firearms interstate nexus expert has examined the photographs in the previous paragraph and has opined that they depict a real firearm (an XD-M Elite pistol) and that this firearm was not manufactured in the State of Washington and had thus been transported in interstate or foreign commerce prior to being possessed by Tolbert.
- 19. Based on other intercepted communications on TT13, investigators believe that on May 30, 2023, Tolbert sold this XD-M Elite pistol to a different buyer in a deal that was arranged through a different unknown individual. (Sessions 278, 280, 294).

#### May 29-30, 2023: Tolbert seeks to buy a handgun from Parchey Kelly

- 20. On May 29, 2023, at 2:24 p.m., Tolbert (TT13) called phone number TT15 and used by Parchey Kelly. (Session 168). Tolbert said, "please tell me you still have it." A male voice could be heard on the other end as the user of TT15. The call then dropped and was connected on a subsequent session (169). Tolbert said, "which one is it?" Parchey Kelly (TT15) replied, "I got to look bro but it's not Ruger. It just looks exactly like it." Tolbert asked, "it's a real FN [pistol] though huh?" Kelly replied, "no it's not an FN but it shoots 5.7x28 [caliber rounds]. I forget the brand, I got to look again but I'll let you know." Tolbert asked if it holds over ten [rounds of ammunition] and Kelly confirmed.
- 21. Investigators believe Tolbert was asking if Kelly still had the FN gun referenced in the previous day's intercepted communications i.e., the gun that was only going to be held for Tolbert until 6:00 p.m. the previous day. Kelly indicated that he had a gun available to sell to Tolbert, that it was not an FN brand but looked the same, was a 5.7x28 caliber, and had a capacity to hold over ten rounds of ammunition.
- 22. On May 30, 2023, at 12:31 p.m., Parchey Kelly (TT15) called Tolbert (TT13). (Session 270). During this call, Kelly asked, "what area are you in?" Tolbert replied: "I'm in uh SeaTac. Like I'm just doing a couple things brother. I'm coming to you within the next two and a half hours. You a have to wait [hold the FN-like gun] for me otherwise you can go sell it to the N\*. Cause literally I'm going to pick up some money. You cannot rush that unless you want to take \$200 [off the price]. I have to pick up the rest right." Kelly replied, "killing me Sparky...it's good just call me when you're ready." Tolbert said, "Alright pussy." Kelly retorted, "Alright whore." Tolbert then said, "you better figure out the brand of that mother fucking gun before I get there 'for I smack you beside your bald ass head."

<sup>&</sup>lt;sup>3</sup> Investigators have reviewed a driver's license photograph of Kelly and confirmed that he appears to be bald, or to have very little hair covering his head.

- 23. Investigators believe Tolbert and Kelly were continuing to discuss the plan for Kelly to sell a firearm to Tolbert at a meeting in a few hours. Based on the fact that Kelly and Tolbert joke with each other and discuss meeting and implying they know the area where each other live/hang out, and Tolbert describing Kelly's bald head, I believe these intercepted communications and interactions establish that Kelly and Tolbert know each other relatively well, and that Kelly knows he is communicating with Tolbert on TT13.
- 24. Further, investigators believe Tolbert was likely involved in a shooting using his XD-M Elite pistol (as discussed above) and after the shooting sold that gun because it had been involved in a shooting and was seeking to purchase a new firearm that was not connected to any crimes.

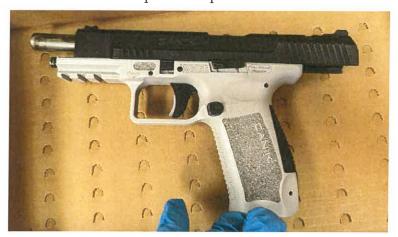
# May 30, 2023: Seizure of Multiple Firearms from Parchey Kelly

- 25. On May 30, 2023, the Hon. Michelle L. Peterson, United States Magistrate Judge for the Western District of Washington, issued a search warrant for Parchey Kelly's residence at 3849 Klahanie Drive SE, Unit #3-301, Issaquah, Washington.
- 26. That same day, investigators went to 3849 Klahanie Drive SE, Unit #3-301, Issaquah, Washington and observed Kelly leaving this residence in his vehicle and detained him.
- 27. Investigators advised Kelly of his *Miranda* rights and he gave a statement in which he stated there was a loaded handgun under the front seat of his vehicle.
- 28. A search of Kelly's vehicle resulted in the seizure of one firearm under the front driver's seat and two firearms in a blue backpack in the trunk within the space for the spare tire. \$14,000 in cash was also recovered from the vehicle. A search of Kelly's residence resulted in the seizure of an additional firearm and loose rounds of ammunition. Investigators effected these enforcement actions against Kelly before he was able to meet with Tolbert to conduct the firearms transaction.
  - 29. The three firearms in Kelly's vehicle were:

• Glock 29, 10mm pistol, bearing serial number XZN770 found under driver's seat



• Canik pistol, bearing serial number 21BC21302; in blue backpack found in trunk in spare tire space:



• 5.7 Rock pistol, bearing serial number RK022690; in blue backpack found in trunk in spare tire space:



The firearm in Kelly's residence was a:

• Glock 20 10mm pistol with an obliterated serial number, with loaded magazine:



30. An ATF firearms interstate nexus expert has examined photographs of each of these firearms and determined that none of them were manufactured in the State of Washington and that all of the firearms had thus been transported in interstate or foreign commerce prior to being possessed by Kelly.

June 1: 2023: Tolbert (TT13) buys a Ruger handgun from Kisean Coleman (TT18).

- 31. On June 1, 2023, at 10:37 a.m., Tolbert (TT13) called Kisean Coleman who was using TT19. (Session 437). TT19 is believed to be Coleman's girlfriend's phone. (Coleman's identification as the user of TT19 is discussed below.) During this call, Tolbert and Coleman discussed Coleman sending his "girl" to meet with Tolbert in Renton to sell Tolbert a firearm. Tolbert asked if "it [firearm] got a full clip [loaded magazine]... cause I know them bullets is hella expensive." Coleman said let me check and then replied "yeah it got like 16 [bullets] in here [magazine]." At the end of the call Coleman mentioned a Ruger [type of firearm].
- 32. At 11:22 a.m., Tolbert (TT13) called Coleman who was now using TT18 (Session 443). Based on the content of the conversation, investigators believe that the user of this phone number, Coleman, is the same male who was using TT19. Tolbert told Coleman that he was about ten minutes away from Renton. Coleman said his girl was leaving and should be to the meeting before Tolbert arrived. At 11:42 a.m., Coleman

(TT18) called Tolbert (TT13). (Session 443). Tolbert said she was there, referenced a silver Acura truck, and that Coleman would hear her in the background. In the background, Tolbert told the female to "put it in the gleek [glove] box." Tolbert then told Coleman, "I just gave it [money for the firearm] to her, brother." At this time, investigators on physical surveillance observed Tolbert in his known silver Jetta meeting with a female who arrived in 2007 silver Acura MDX with no license plates.

- 33. Based on these events and intercepted calls, investigators believe that Tolbert purchased a Ruger firearm from Coleman via a female who was dispatched by Coleman to meet with Tolbert and that the female put the firearm in the glove box of Tolbert's Jetta and Tolbert gave the female money for the firearm.
- 34. On the same day, at approximately 11:54 a.m., Tolbert (TT13) called Coleman (TT18). (Session 444). Tolbert said, "this Ruger is [unintelligible]...you gave this to me for a deal brother." Investigators believe this call confirms that Tolbert purchased a Ruger firearm from Coleman.
- 35. Investigators then followed Tolbert until he stopped at 9409 South Ash Street, Unit D, in Tacoma, Washington, where Tolbert was taken into custody on an outstanding arrest warrant issued by the Washington State Department of Corrections.
- 36. Based on this and other information, investigators sought a search warrant for 9409 S Ash Street, Unit D, Tacoma, Washington, which was granted by the Hon. David W. Christel, on June 1, 2023.
- 37. On that same day, the federal search warrant was served on that location, and a Ruger 5.7 pistol with a magazine containing sixteen rounds in exactly the firearm and number of rounds described in the intercepted communications between Tolbert and Coleman was located in a bedroom closet in a plastic bucket. A second loaded magazine was also found with the firearm.

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38. An ATF firearms interstate nexus expert has examined photographs of the Ruger 5.7 pistol and determined that it was not manufactured in the State of Washington and had thus been transported in interstate or foreign commerce prior to being possessed by Tolbert.

### Identification of Coleman as the user of TT19 and TT18.

- 39. A check of law enforcement databases shows that TT19 was listed in a report from Auburn Police Department, dated May 16, 2023, as belonging to Scarlett Feagin. In that same report, Feagin is listed as owning a 2007 silver Acura MDX with no license plates; the same vehicle seen by surveillance officers as described above. Law enforcement databases also listed a Federal Way police report, dated April 22, 2023, that shows TT18 belonging to Coleman.
- 40. In addition, in Session 282, Tolbert was intercepted speaking with Coleman (TT18), and Coleman told Tolbert that he has current pending charges and was offered to plea to accept 25 years in prison or go to trial. Coleman said he was going to trial. A search of court records shows that Coleman is listed as a defendant in three active court cases in King County. These cases involve the following charges: Unlawful Possession of a Firearm (Seattle Police Department); Possession of a Stolen Vehicle (Normandy Park Police Department); and Assault in the First Degree, Robbery in the First Degree,

Unlawful Possession of a Firearm and Attempted Robbery in the First Degree (Kent Police Department).

41. Based on the above facts, investigators believe the user of TT19 and TT18 was Kisean Coleman.

## Marquise Tolbert is prohibited from possessing firearms.

- 42. Marquise Tolbert has at least the following felony conviction for which he was sentenced to a term of imprisonment exceeding one year that prohibit him from possessing firearms pursuant to 18 United States Code Section 922(g)(1):
  - Unlawful Possession of a Firearm in the First Degree, in King County Superior Court under cause number 20-1-00422-3SEA on or about September 16, 2022.

## Parchey Kelly is prohibited from possessing firearms.

- 43. Parchey Kelly has at least the following misdemeanor crime of domestic violence that prohibits him from possessing firearms pursuant to 18 United States Code Section 922(g)(9):
  - Assault in the Fourth Degree (Domestic Violence Intimate Partner), in Renton Municipal Court, Washington, under cause number 8Z0196592 on or about July 18, 2019.

# Kisean Coleman is prohibited from possessing firearms.

- 44. Kisean Coleman has at least the following felony convictions for which he was sentenced to a term of imprisonment exceeding one year that prohibit him from possessing firearms pursuant to 18 United States Code Section 922(g)(1):
  - Theft in the First Degree, Robbery in the Second Degree, Theft in the First Degree, in King County Superior Court under cause number 18-C-04830-0KNT on or about May 3, 2019.

#### **CONCLUSION**

Based on the above facts, I respectfully submit that there is probable cause to believe that MARQUISE TOLBERT, PARCHEY KELLY, and KISEAN COLEMAN

did knowingly and intentionally unlawfully possess a firearm or firearms as prohibited persons, in violation of Title 18, United States Code, Section 922(g). Matt Blackburn, Complainant Task Force Officer, FBI Based on the Complaint and Affidavit sworn to before me, and subscribed in my presence, the Court hereby finds that there is probable cause to believe the Defendant(s) committed the offenses set forth in the Complaint. Dated this \_\_\_\_\_ day of June, 2023. BRIAN A. TSUCHIDA United States Magistrate Judge